

Pursuant to the Court's Rules 16 and 26 Order (Doc. 20), the Parties to this action conferred and submitted their Proposed Scheduling and Discovery Order (Doc. 24-1) on November 18, 2022. The Court hereby makes the following modifications to the Parties' Proposed Scheduling and Discovery Order, which is adopted and made part of this Order to the extent it does not conflict with the instant Order:

1. All motions seeking to amend the pleadings or to join parties must be filed no later than **Friday, March 24, 2023**.
2. Requests for admission that are propounded solely to authenticate documents as provided for under Federal Rule of Civil Procedure 36(a)(1)(B) are excluded from Local Rule 36's limitation on the number of requests to admit that can be propounded.
3. Fact discovery shall be completed by **Tuesday, August 1, 2023**. If a party believes that more time for fact discovery is needed, an appropriate motion, accompanied by a proposed order for the Court, may be filed setting forth good cause for an extension.
4. Plaintiff must disclose the identity of any expert witness on or before **Friday, September 1, 2023**.

Defendant must disclose the identity of any expert witness on or before **Friday, December 1, 2023**.

Plaintiff must disclose the identify of any rebuttal expert witness on or before **Friday, March 1, 2024**.

5. Expert reports shall comply with Federal Rule of Civil Procedure 26(a)(2)(B). Any supplemental expert reports must be served on or before **Monday, April 15, 2024**. No additional supplemental reports may be disclosed or provided after this date without leave of Court.
6. Expert witness discovery shall be completed by **Friday, June 1, 2024**. If a party believes that more time for expert discovery is needed, an appropriate motion, accompanied by a proposed order for the Court, may be filed setting forth good cause for an extension.
7. All dispositive motions must be filed no later than **Monday, July 1, 2024**.
8. Any motion challenging the qualification(s) of any expert witness to offer opinion testimony, raised under *Daubert* or Federal Rules of Evidence 104(a), 702, or 703, shall be filed no later than:
  - a. **Monday, July 1, 2024**, if the motion relates to a dispositive motion; or
  - b. **Fourteen (14) days after notice of the pre-trial conference is entered**, and if necessary, the motion will be heard at the pre-trial conference.
9. Before moving for an order relating to discovery, such as motions to compel or contested motions for protective orders, the movant must contact Felicia Rushing, Courtroom Deputy, at [felicia\\_rushing@gamd.uscourts.gov](mailto:felicia_rushing@gamd.uscourts.gov) to request a telephonic conference with the Court. *See* Fed. R. Civ. P. 16(b)(3)(B)(v). When contacting the Courtroom Deputy, the email should include a concise statement of the issue(s) and a summary of each party's position.

Should a party determine that there is a basis to file a motion to compel, a request for a conference must be made by email to the Courtroom Deputy within **twenty-one (21) days** of date on which the response(s) would be due under the Federal Rules of Civil Procedure, or within **twenty-one (21) days** of receipt of

- an allegedly unresponsive/inadequate response/production, and not later than **twenty-one (21) days** after the close of discovery, whichever occurs first.
10. If any party requests a modification to the Scheduling and Discovery Order, including a request for an extension of time for filing motions, pleadings, responses, or other documents, beyond that granted by the Clerk or his deputy when permitted without leave of Court, the party must do so by written motion no later than **five (5) days before the expiration** of any extension granted by the Clerk or before the expiration of the time period sought to be extended, whichever applies. This motion shall state why an additional extension is needed. However, prior to requesting an extension of any deadline set forth in the Scheduling and Discovery Order, counsel for the parties shall confer regarding the proposed extension. The motion should indicate whether the non-moving party consents or objects to the requested modification. Despite any extension or modification that may be granted, the parties are directed to act expeditiously in a good faith effort to complete discovery as scheduled.
  11. All evidence produced by a party in response to a discovery request made under the Federal Rules of Civil Procedure is deemed to be authenticated, and no other proof of authentication for admission at trial is necessary unless the producing party specifically notes in writing and contemporaneously with production of the evidence to the requesting party the grounds for waiver of or objection to the presumption of authentication. Initial discovery disclosures produced under Rule 26(a) of the Federal Rules will not be deemed authenticated unless designated in response to a discovery request. Substantive objections are not waived by said production.

**SO ORDERED**, this 24th day of January, 2023.

/s/ Leslie A. Gardner  
**LESLIE A. GARDNER, JUDGE**  
**UNITED STATES DISTRICT COURT**